

REMARKS

Claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 are pending in the present application. Claims 2, 6, 8, 11, 13 and 20-49 are cancelled. Claims 1, 4, 10, 12, 17, 19, and 50 have been amended. Claims 1, 7, 12 and 50 are independent claims.

Claim Rejections – 35 U.S.C. §102

Claims 1, 3, 5, 7, 9, 12, 14-18 and 50-53 are rejected under 35 U.S.C. §102(b) as being anticipated by Ueda et al. (U.S. Patent No. 6,289,102). Reconsideration of these rejections is respectfully requested for at least the following reasons.

In the method recited in Claim 1, (1) copy protection information required for decrypting the encrypted data is recorded in both a first area and a second area where the second area is separated from a main data area where encrypted data is recorded and (2) recording position information for indicating a position of the copy protection information. Similar language is also recited in independent Claims 12, 17 and 50.

The Examiner first relies on col. 14, lines 19-25, col. 15, lines 31-45, and col. 16, lines 23-35 of the reference to teach the recording of encrypted data in the first and second areas. As shown in Figs. 11 and 12 of Ueda, four pairs of the seed key are recorded in the scramble information sector of the lead-in area. These seed keys serve as a kind of index to indicate corresponding preset data. In addition, preset data substantially used for scrambling/descrambling processes are recorded in the main data field as shown in Fig. 11(d). In the seed key field of the scramble sector included in the data recording area, a seed key (not a real key value, but a simple index to indicate the preset data used to scramble the data) is recorded. Thus, the preset data used for the scrambling process not recorded in the data recording area, but the lead-in area.

In Ueda, the copy protection information duplicated from the original copy protection information is additionally recorded in another area for ensuring reliable read-out of the copy protection information. However, there is no disclosure in Ueda about additionally recording the pairs of the seed key and the preset data in areas other than the scramble information sector. Thus, Applicant submits that the Examiner's interpretation of Ueda does not support the current rejections under Section 103.

Col. 15, lines 56-60 which reads: "Then, by using the random number sequence determined by the preset data, scrambled/descrambled processing is possible. **In the following description, the seed key is the same for every file.**" (Emphasis Added). Thus, the reference teaches that all files (i.e., descrambled sectors) recorded in the data recording area are scrambled by the same preset data (indexed by the same seed-key). This does not mean that present data (including the seed key) used for the scrambling processes are copied and recorded in another area. Thus, Ueda fails to disclose or suggest the recited feature of recording the copy protection information in a second area other than a first area.

Ueda also fails to disclose or suggest "recording position information for indicating a position of the copy protection information." The Examiner relies on Col. 15, lines 8 – 20 to teach this aspect of the recited claims. That portion of the reference states that "The sector header field of the scramble information sector includes an address field where an identifier for the information reproducing device to identify this sector as recorded, a sector system field where information for specifying the scramble system preformed to the information recording area (as described above, the scramble system of this example is set as #1) as recorded, in a mutual authentication key field mutual authentication key for use of authentication processing for determining whether or not the information reproducing device should supply data subjected to

copyright protection to an apparatus requiring transfer of reproduction data (hereinafter referred to as mutual authentication processing). More simply, the portion of the reference relied on by the Examiner states that the sector header field does not contain the positions of the pairs of seed key and the preset data. Accordingly, this portion of the reference is not relevant to the recited step of Claim 1 that is related to recording position information for indicating a position of at least the copy protection information in the second area.

For at least these reasons, Applicant submits Ueda et al is insufficient to support the current rejections under Section 102 as directed to Claims 1, 3, 5, 7, 9, 12, 14, -18 and 50-53.

Claim Rejections – 35 U.S.C. §103

Claims 4, 10 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 6,289,102) in view of Timmermans et al. (U.S. Patent No. 5,737,286). Reconsideration of these rejections is respectfully requested for at least the following reasons.

Claim 4 is dependent on independent Claim 1. Claim 10 is dependent on independent Claim 7 and Claim 19 is dependent on independent Claim 12. Each of these claims represents allowable subject matter for at least the reasons set forth above with regard to independent Claims 1, 7 and 12.

Although Applicant has not traversed or otherwise address each and every application of the references set forth in support of the current rejections, this should not be considered as a waiver that Applicant agrees to the Examiner's current position. In this regard, Applicant reserves the right to traverse or otherwise challenge the Examiner's interpretation of these references, or in the future, as appropriate.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1, 3-5, 7, 9-10, 12, 14-19 and 50-53 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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